

From: Bruce Faling
To: Microsoft ATR
Date: 1/7/02 10:34pm
Subject: Microsoft Settlement

Dear Sirs:

I understand that the US Department of Justice is seeking opinions of concerned citizens over the proposed settlement between Microsoft Corporation and the US Department of Justice. My opinions on said settlement appear below:

Contrary to popular belief, Microsoft Corporation wields no power over their customers, potential customers, computer manufacturers, competitors, or the population at large.

As a private company, Microsoft relies upon voluntary transactions with its customers in order to continue to do business. Customers, potential customers, and computer manufacturers alike are under no obligation to accept Microsoft Corporation's terms before buying and using its products. They are free to accept, decline, or ask to amend the terms, but they cannot be "made" to do anything as such. That Microsoft has sold millions of copies of its broad offerings is evidence that people have accepted their terms voluntarily in large numbers, and thus any claims of harm perpetrated against consumers is baseless.

In short, Microsoft has done no wrong. That being the case, any proposed "settlement" cannot sensibly be construed as "fair," to either the shareholders of Microsoft or their customers. Being how this settlement, by its very nature, must force Microsoft to operate in ways it did not see fit to do voluntarily, I must condemn the settlement for what it most apparently is: An attempt to limit the competitiveness of Microsoft for the benefit of its rivals.

The marketplace of software products has clearly --and freely-- chosen Microsoft.

That last statement is significant. The ignorance of many people of the difference between high market share and true power astounds. However, the difference is real. Where Microsoft relies upon voluntary exchange with its customers for its very existence; true coercive agencies, such as the US Department of Justice, require no such consent from *its* "customers." Funded by monies expropriated from productive persons, their function is to force people, and associations of people, to comply with written law.

Granted, such force is not always employed, but the threat and ability to employ it is always present. Consent cannot rightly be said to be given under such circumstances.

This is true power. It is clearly demonstrable that it is by no means the equivalent to attaining a high market share. Having said that, I can only recommend dropping the proposed settlement out of hand as well as the very suit it was meant to settle in the first place.

Sincerely,
Bruce Faling

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